

DEPARTMENT OF SOCIAL SERVICES

744 P Street, Sacramento, CA 95814



June 14, 2005

Regulation Package #0803-18

CDSS MANUAL LETTER NO. CCL-05-05

TO: HOLDERS OF THE COMMUNITY CARE LICENSING MANUAL, TITLE 22, DIVISION 6,
CHAPTER 8.8, FOSTER FAMILY AGENCIES

Regulation Package #0803-18**Effective 6/8/05****Sections 88069.7 and 88070**

This manual letter has been posted on the Office of Regulations Development website at http://www.dss.cahwnet.gov/ord/FosterFami_628.htm.

These regulations will give licensing staff the express authority to copy client or facility records, and to remove them if necessary for copying. The existing regulations do not consistently permit the copying of client or facility records, which has been a hindrance to the licensing program. For example, one licensee of a facility being investigated refused even to let licensing staff hand-copy portions of facility files because the regulations did not clearly state that licensing staff could copy those files.

These regulations will correct the situations described above. They delineate and amplify the licensing program's authority to inspect, audit, and copy client or facility records upon demand during normal business hours; and to remove them if necessary for copying. At the same time, the regulations contain safeguards that prohibit the removal of emergency or health-related information (unless other copies of those documents are available) and establish standards for the safe removal and timely return of records to facilities. They cut across facility categories and apply to all licensed adult and elderly community care facilities, children's residential community care facilities, and child day care facilities. These regulations will ensure that CDSS has reasonable access to information in order to be able to better evaluate facilities, investigate complaints, and protect the health and safety of clients in care.

These regulations were considered at the Department's public hearing held on June 16, 2004.

FILING INSTRUCTIONS

Revisions to all manuals are shown in graphic screen. The attached pages are to be entered in your copy of the Manual of Policies and Procedures. The latest prior manual letter containing Community Care Licensing changes was Manual Letter No. CCL-05-04. The latest prior manual letter containing Foster Family Agencies regulation changes was Manual Letter No. CCL-04-05.

Page(s)Replace(s) Page(s)

43 through 48

43 through 48

Attachments

sk

This page is intentionally left blank.

88069.2 HEALTH PROTECTION OF CHILDREN - GENERAL REQUIREMENTS 88069.2

- (a) Each foster family agency shall ensure the provision of preventive and remedial medical care by a qualified physician or a medical clinic. The medical care provided shall include:
- (1) For infants, well baby care; for all other children, medical interventions as required.
 - (A) Physical examinations must be conducted at least annually or more often as recommended by a physician.
 - (2) Prompt treatment of remediable physical conditions.
 - (3) Necessary laboratory tests and immunizations.
 - (4) Tuberculin test or chest X-ray, and when indicated, provision for nose and throat culture and appropriate tests for sexually transmitted disease(s) for each child.
 - (5) Care in case of illness or accident, including provision for medical care and hospitalization as required.
 - (6) Dental examinations annually followed by necessary treatment; and arrangements for orthodontic care for the child when funding and services are available.
 - (7) Continuing observation of the child's progress and discussion with the physician of any changes from satisfactory conditions.

NOTE: Authority cited: Section 1530, Health and Safety Code. Reference: Sections 1530 and 1531, Health and Safety Code.

88069.3 IMMUNIZATIONS 88069.3

- (a) A child for whom vaccination against the following diseases cannot be verified shall receive the first dose of the appropriate vaccines as determined by a physician within 30 calendar days of placement in the home and shall receive follow-up doses as recommended by a physician.
- (1) Poliomyelitis.
 - (2) Diphtheria.
 - (3) Pertussis, i.e., whooping cough.

88069.3 IMMUNIZATIONS (Continued)**88069.3**

- (4) Tetanus.
- (5) Measles.
- (6) Rubella, i.e., German measles.
- (7) Mumps.

NOTE: Authority cited: Section 1530, Health and Safety Code. Reference: Sections 1530 and 1531, Health and Safety Code.

88069.7 CONTENT OF CERTIFIED FAMILY HOME OR LICENSED FOSTER FAMILY HOME CASE RECORD**88069.7**

- (a) Each foster family agency shall maintain a case record for each certified family home or licensed foster family home used by the foster family agency.
- (b) Each case record shall include the following information on each home:
 - (1) A face sheet or application form.
 - (2) A typewritten record of the home study.
 - (3) Medical reports.
 - (4) Correspondence.
 - (5) Applicable legal documents.
 - (6) Verifications of required information, including a signed statement acknowledging the child abuse and neglect reporting responsibilities of Penal Code Section 11164 et seq.
 - (7) Evaluation of findings.
 - (8) Decisions reached.
 - (9) Actions taken.
 - (10) Contacts with references.
 - (11) A record of each child placed in the home and the dates the child was in care.
- (c) In addition to Subsection (b) above, each case record of a certified family home shall include:
 - (1) Fingerprint clearances.

**88069.7 CONTENT OF CERTIFIED FAMILY HOME OR LICENSED
FOSTER FAMILY HOME CASE RECORD (Continued)****88069.7**

- (2) Child Abuse Index Check Clearances.
 - (3) Any necessary fire clearances as specified in Section 83020.
 - (4) A copy of the Certificate of Approval.
 - (5) Documentation of the required 12 hours of annual training for certified parents as required by Section 1506(b)(2) of the Health and Safety Code.
 - (6) A copy of any complaint investigation report, the findings of that report, and the action taken by the foster family agency.
- (d) All information in case records shall be confidential and shall be available only to the licensing agency; and to placement agency staff and foster family agency personnel that need access to the information to perform their duties.
- (1) This requirement does not relieve the foster family agency of the responsibility for transmitting copies of substantiated complaints to specified parties, as required by Section 88061(l).
- (e) All case records shall be available to the licensing agency to inspect, audit, and copy upon demand during normal business hours. Records may be removed if necessary for copying. Removal of records shall be subject to the following requirements:
- (1) Licensing representatives shall not remove any current emergency or health-related information for current foster children unless the same information is otherwise readily available in another document or format.
 - (2) Prior to removing any records, a licensing representative shall prepare a list of the records to be removed, sign and date the list upon removal of the records, and leave a copy of the list with the administrator or designee.
 - (3) Licensing representatives shall return the records undamaged and in good order within three business days following the date the records were removed.

NOTE: Authority cited: Section 1530, Health and Safety Code. Reference: Sections 1522, 1522.1 and 1531, Health and Safety Code.

**88069.8 ADDITIONAL CONTENT OF CERTIFIED FAMILY HOME CASE
RECORDS FOR SPECIALIZED CERTIFIED FAMILY HOMES****88069.8**

- (a) The foster family agency shall ensure that the case record for each specialized certified family home includes the documentation required in Sections 83066(a)(1) and/or (2), and (d).

NOTE: Authority cited: Section 17730, Welfare and Institutions Code and Section 1530, Health and Safety Code. Reference: Section 17731, Welfare and Institutions Code and Section 1531, Health and Safety Code.

88070 CHILDREN'S CASE RECORDS**88070**

- (a) In addition to Section 80070, the following shall apply:
- (1) The following information regarding the child shall be obtained and maintained by the foster family agency:
 - (A) The name, address, and telephone number of the adults with whom the child was living immediately prior to the current placement.
 - (B) The name, address, and telephone number of the child's parent(s), if known.
 - (C) The name, address, and telephone number of the placement worker and placement agency.
 - (D) Educational records, if available, describing the child's present academic level, including his/her grade or performance level, and any previous school-related problems.
 - (E) Dental and medical history, if available, including immunization records and physician's orders for any medically necessary diet.
 - (F) The child's court status, if applicable, including a copy of any custody orders and agreements with parent(s) or person(s) having legal custody.
 - (G) The list of persons who should or should not be allowed to visit and any limitations on visitation.
 - (H) Medical, psychiatric and psychological reports that identify special needs of the child diagnosed as mentally disordered or developmentally disabled.
 - (I) Medical and dental insurance coverage information including the placement agency or person responsible for medical and dental costs.
 - (J) Consent forms, completed by the child's authorized representative(s), to permit the foster family agency, certified parent(s) or foster family home licensee(s) to authorize medical and dental care.
 - (K) A copy of the child's original, and any modified, needs and services plan.

88070 CHILDREN'S CASE RECORDS (Continued)**88070**

- (L) Signed copies of the foster family agency policies and procedures regarding the termination of the child's placement, discipline, and complaints.
 - (M) Documentation that vaccinations have been obtained as specified in Section 88069.3, if immunization records are not available prior to placement.
 - (N) Copy of the foster family agency agreement with authorized representative(s).
 - (O) Copy of the foster family agency agreement with the certified parents or foster family home licensees.
- (2) The following information shall be maintained in the child's record if it is determined that the child is to be removed or discharged from the foster family agency:
- (A) Date the child's authorized representative(s) was notified of the necessity for the child's removal or discharge.
 - (B) The name, address and relationship to the child of the person to whom the child was released.
 - (C) Reason for the child's removal or discharge.
- (3) All information in children's case records shall be confidential and shall be available only to the licensing agency; and to placement agency staff and foster family agency personnel that need access to the information to perform their duties.
- (4) All children's case records shall be available to the licensing agency to inspect, audit, and copy upon demand during normal business hours. Records may be removed if necessary for copying. Removal of records shall be subject to the following requirements:
- (A) Licensing representatives shall not remove any current emergency or health-related information for current foster children unless the same information is otherwise readily available in another document or format.
 - (B) Prior to removing any case records, a licensing representative shall prepare a list of the case records to be removed, sign and date the list upon removal of the case records, and leave a copy of the list with the administrator or designee.
 - (C) Licensing representatives shall return the case records undamaged and in good order within three business days following the date the case records were removed.

NOTE: Authority cited: Section 1530, Health and Safety Code. Reference: Sections 1506(b) and 1531, Health and Safety Code.

**88070.1 ADDITIONAL CHILDREN'S RECORDS FOR SPECIALIZED
CERTIFIED FAMILY HOMES****88070.1**

- (a) The foster family agency shall ensure that case records for each child with special health care needs contain the following additional information:
 - (1) Documentation that the child has been adjudged a dependent of the court under Section 300 of the Welfare and Institutions Code or has a developmental disability and is receiving services and case management from a regional center.
 - (2) A copy of the child's individualized health care plan as specified in Section 88069.1.
 - (3) A copy of the written reassessment of the child's individualized health care plan as specified in Section 88069.1(b).
- (b) The foster family agency shall ensure that the needs and services plan of each child placed in a specialized certified family home not exceeding the two-child capacity limit contains the following information in addition to the information required in Sections 88068.2 and 88068.3:
 - (1) Documentation by the child's county social worker, regional center caseworker or authorized representative that the needs of the child can be met by the facility.
 - (A) New documentation shall be obtained for all children and placed in the respective needs and services plans each time there is an increase or turnover in children and the home meets the conditions described in above Section 88070.1(b).
- (c) If a third child is placed in a specialized certified family home the foster family agency shall ensure that:
 - (1) The needs and services plan for the third child documents the determination specified in Section 83010.1(a)(1)(A).
 - (2) The needs and services plan for each child in the home documents the determinations specified in Sections 83010.1(a)(1)(B) and (B)1.
 - (3) The individualized health care plan for each child with special health care needs documents the determinations specified in Sections 83010.1(a)(1)(C) and (C)1.
 - (A) Documentation may be provided in different ways, including, but not limited to, a written statement from a member designated by the team that the team has been notified and has determined that the two-child limit may be exceeded.

NOTE: Authority cited: Section 17730, Welfare and Institutions Code and Section 1530, Health and Safety Code. Reference: Sections 17710(a), 17731(c) and 17732(a), Welfare and Institutions Code and Section 1531, Health and Safety Code.